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4 Counsel for Defendant
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6 UNITED STATES DISTRICT COURT
7 NORTHERN DISTRICT OF CALIFORNIA
8 SAN FRANCISCO DIVISION

9 UNITED STATES OF AMERICA,) CASE NO. CR-19-0398-WHA
10 Plaintiff,)
11 v.)
12 NICHOLAS AMAYA,)
13 Defendant.)
14

15 With the agreement of the parties, and with the consent of the defendant, the Court enters this
16 order confirming a status date on the defendant's performance on supervised release for July 11, 2023, at
17 2:00 p.m., vacating the currently-scheduled status hearing date of June 6, 2023, due to defense counsel's
18 unavailability on June 6, 2023. The parties agree, and the Court finds and holds, as follows:

19 1. The defendant is currently out of custody.

20 2. This matter is currently set for a status hearing re the defendant's performance on supervised
21 release on June 6, 2023. Counsel is seeking a continuance for the sole reason that he is scheduled to
22 participate in a jury trial before Judge Gilliam starting June 2, 2023. Judge Gilliam has informed the
23 parties that his trial schedule is Monday through Friday, 8:30 a.m. to 1:30 p.m.

24 3. The defendant previously pled guilty before this Court and was sentenced. He is currently on
25 supervised release and reports that he is doing well with no changes in his circumstances. The defendant
26 informs counsel that he was recently promoted to employment coordinator at Hospitality House, where
27 he has been employed for some time. He informs counsel that his housing has remained stable and he is
28 living with his wife, Doria Torres, who counsel believes the Court has met in a previous court

1 appearance. The defendant has informed counsel that he continues to use marijuana, as discussed at the
2 previous court meeting, as a means to relax, and has been honest in admitting this use to U.S. Probation.

3 4. Counsel for the defendant is scheduled for trial before Judge Gilliam in the case of United
4 State v. Attila Colar, CR 21-00163-HSG with jury selection set for June 2, 2023. The trial is estimated
5 to last 4 weeks. In light of this conflict, counsel contacted AUSA Lina Peng, and U.S.P.O Officer
6 Gerstel, who all agreed to request that the status hearing be continued until counsel's trial is completed.
7 All three parties consulted their schedules and determined that all were available on July 11, 2023.

8 5. The parties contacted the Court's courtroom deputy, who confirmed that July 11, 2023 at 2:00
9 p.m. is an available date for the Court.

10 6. As the defendant has pled guilty, the provisions of the Speedy Trial Act, 18 U.S.C. § 3161(h)
11 (8)(B)(iv), do not apply.

12 5. The Court finds that, taking into the account the public interest in the prompt disposition of
13 criminal cases, these grounds are good cause for continuing the status hearing of the defendant.

14 6. Accordingly, and with the consent of the defendant, the Court:

15 (1) Confirms a status date on July 11, 2023, at 2:00 p.m.; and

16 (2) Vacates the currently-scheduled hearing date of June 6, 2023..

17 IT IS SO STIPULATED.

18 DATED: May 30, 2023.

United States Attorney

20 /s/ Lina Peng

21 LINN PENG
Assistant United States Attorney

22 /s/ John J. Jordan

23 JOHN J. JORDAN
Counsel for the Defendant

24 IT IS SO ORDERED.

25
26 DATED: 05/31/2023


27 HON. WILLIAM ALSUP
United States District Judge
28